

R9-6-103. Disclosure of Communicable Disease Related Information to a Good Samaritan

A. In this Section, unless otherwise specified, the following definitions apply:

1. "Affidavit" means a declaration or statement of facts made:
 - a. In writing, and
 - b. Under oath or affirmation.
2. "Assisted person" means the individual with whom a Good Samaritan alleges interaction constituting a significant exposure risk.
3. "Communicable disease-related information" has the same meaning as in A.R.S. § 36-661.
4. "Designated Officer" means an individual appointed by the Director to review disclosure requests.
5. "Disclosure request" means a document from a Good Samaritan that asks the Department to reveal to the Good Samaritan communicable disease-related information about an assisted person.
6. "Emergency care or assistance" means actions performed by an individual on or for another individual, which are necessary to prevent death or impairment of the health of the other individual.
7. "Good Samaritan" has the same meaning as in A.R.S. § 36-661.
8. "In writing" means:
 - a. An original document,
 - b. A photocopy,
 - c. A facsimile, or
 - d. An electronic mail message.
9. "Mucous membrane" means a thin, pliable layer of tissue that lines passageways and cavities in the human body that lead to the outside, such as the mouth, gastrointestinal tract, nose, vagina, and urethra.
10. "Notary" means any individual authorized to perform the acts specified under A.R.S. § 41-313.
11. "Physician" means an individual who is licensed pursuant to title 32, chapter 13, 17, or 29.
12. "Post-exposure prophylaxis" means treatment provided to an individual who may have been exposed to a communicable disease, which is intended to prevent infection of the individual.
13. "Significant exposure risk" has the same meaning as in A.R.S. § 36-661.

14. “Under oath or affirmation” means a witness’ sworn statement that is made to a notary under the penalty of perjury.
- B.** A significant exposure risk may occur when a Good Samaritan’s interaction with an individual results in:
1. A transfer of blood or body fluids from the individual onto the mucous membranes or into breaks in the skin of the Good Samaritan; or
 2. A sharing of airspace between the Good Samaritan and the individual.
- C.** A Good Samaritan may submit a disclosure request to the Department that includes:
1. Documentation concerning the accident, fire, or other life-threatening situation, in which the Good Samaritan rendered emergency care or assistance; and
 2. An affidavit that contains:
 - a. The Good Samaritan’s name;
 - b. The Good Samaritan’s mailing address;
 - c. The telephone number at which the Good Samaritan may be reached during a working day;
 - d. A description of the:
 - i. Emergency care or assistance rendered by the Good Samaritan at the accident, fire, or other life-threatening emergency; and
 - ii. Circumstances that the Good Samaritan believes constitute a significant exposure risk;
 - e. The name of the assisted person;
 - f. If known, the date of birth of the assisted person;
 - g. Any additional information that may identify the assisted person;
 - h. A statement that the Good Samaritan understands that the Good Samaritan has the ability to consult with the Good Samaritan’s physician to determine whether further testing or post-exposure prophylaxis for a communicable disease is needed;
 - i. The Good Samaritan’s signature;
 - j. An Arizona notary’s signature certifying that the Good Samaritan swore to or affirmed the truthfulness of the statements in the affidavit; and
 - k. The date of the Arizona notary’s signature.
- D.** When the Department receives a disclosure request from a Good Samaritan, the Designated Officer shall:

1. Attempt to contact the Good Samaritan by telephone within one working day after receipt of the disclosure request to advise the Good Samaritan to consult with the Good Samaritan's physician concerning the need for post-exposure prophylaxis; and
 2. Within ten working days after the Department receives the disclosure request from the Good Samaritan:
 - a. Determine on the basis of the information provided as specified in subsection (C) whether the interaction between the Good Samaritan and the assisted person constitutes a significant exposure risk;
 - b. If the Designated Officer determines the interaction between the Good Samaritan and the assisted person constitutes a significant exposure risk, conduct a search of the Department's communicable disease information; and
 - c. Send to the Good Samaritan the information specified in subsection:
 - i. Subsection (E)(1), if the Designated Officer determines the interaction between the Good Samaritan and the assisted person poses a significant exposure risk to the Good Samaritan and the Department is in possession of communicable disease-related information for the assisted person;
 - ii. Subsection (E)(2), if the Designated Officer determines the interaction between the Good Samaritan and the assisted person poses a significant exposure risk to the Good Samaritan, but the Department is unable to provide communicable disease-related information for the assisted person; or
 - iii. Subsection (E)(3), if the Designated Officer determines the interaction between the Good Samaritan and the assisted person does not pose a significant exposure risk to the Good Samaritan.
- E.** On the basis of the Designated Officer's determination, as specified in subsection (D)(2), the Designated Officer shall in writing:
1. If the Designated Officer determines that the interaction between the Good Samaritan and the assisted person poses a significant exposure risk to the Good Samaritan and the Department is in possession of communicable disease-related information for the assisted person for a specific communicable disease that may be transmitted through the interaction between the Good Samaritan and the assisted person:
 - a. Provide the Good Samaritan with the communicable disease-related information:
 - i. For the assisted person;

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- that may be transmitted through the interaction between the Good Samaritan and the assisted person; as specified in subsection (C); or
 - ii. The Department is unable to identify the assisted person from the information submitted in the Good Samaritan's disclosure request, as specified in subsection (C); and
 - b. Advise the Good Samaritan that:
 - i. The Good Samaritan's contact with the assisted person may pose a significant exposure risk to the Good Samaritan; and
 - ii. The Good Samaritan has the ability to consult with the Good Samaritan's physician to determine whether further testing for communicable disease infection is needed; and
 - 3. If the Designated Officer determines that the contact between the Good Samaritan and the assisted person does not pose a significant exposure risk to the Good Samaritan:
 - a. Notify the Good Samaritan of the Department's decision not to disclose to the Good Samaritan any communicable disease-related information in the possession of the Department, which concerns the assisted person;
 - b. Provide the reasons for the Department's decision not to disclose to the Good Samaritan any communicable disease-related information in the possession of the Department, which concerns the assisted person;
 - c. Advise the Good Samaritan of the Good Samaritan's ability to consult with the Good Samaritan's physician to determine whether further testing for communicable disease infection is needed; and
 - d. Include in the written notice of denial:
 - i. That the Department's decision not to disclose communicable disease-related information is based on A.R.S. § 36-664(E); and
 - ii. A description of the Good Samaritan's right to request a hearing as specified in A.R.S. § 41-1092.03(B).